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hibition Act (1919) 41 Stat. 317; *Rose v. United States* (C. C. A. 1921) 274 Fed. 245, 252.

LANDLORD AND TENANT—CONSTRUCTIVE EVICTION.—A leased premises to the plaintiff who sublet part thereof to the defendant for purposes to which A assented. A then prevented the defendant's use for such purposes and the defendant thereupon abandoned possession. In an action for rent, the defendant set up the defense of constructive eviction. *Held*, for the defendant. *Jones & Brindisi Inc. v. Bernstein Bros.* (Mun. Ct., Borough of Manhattan, 9th Dist., June Term, 1922).

Any disturbance of the tenant's possession by the landlord which deprives him of the beneficial enjoyment of the leased premises, provided he abandons them within a reasonable time thereafter, amounts to a constructive eviction, *Sully v. Schmitt* (1895) 147 N. Y. 248, 41 N. E. 514, and serves as a defense to an action for rent. *Presly v. Benjamin* (1902) 169 N. Y. 377, 62 N. E. 430. But this must be the result of a wrongful act of commission or omission on the part of the landlord. *Barrett v. Boddie* (1895) 158 Ill. 479, 42 N. E. 143. And he is not liable for the wrongful acts of third persons not authorized by him. *Gardner v. Kettelas* (N. Y. 1842) 3 Hill 330. Where there is an eviction by a title paramount the tenant is likewise exonerated from the payment of rent. *Smith v. Shepard* (Mass. 1833) 15 Pick. 147. In the instant case, the plaintiff must be regarded as the landlord and the defendant as the tenant, for a sublease, as distinguished from an assignment, creates a new estate in which there is no privity of estate or of contract between the original lessor and the sub-lessee. See *Collins v. Hasbrouck* (1874) 56 N. Y. 157, 162. Since the wrongful act here was committed by A, a stranger to the lease therefore, and not by the plaintiff nor under his authority or direction, and since A's assent to the sublease destroyed his claim to a title paramount, there seems to be no logical basis for denying a recovery.

LIBEL AND SLANDER—INNKEEPER'S LIABILITY FOR REFUSING ROOM TO MARRIED COUPLE WITHOUT BAGGAGE.—The plaintiff and her husband were refused accommodation at the defendant's hotel because they had no baggage. The plaintiff, contending that the refusal imputed unchastity, brought this action of slander in which the defendant received a verdict. *Coquelet v. Union Hotel Co.* (1922) 139 Md. 544, 115 Atl. 813.

In general an innkeeper is bound to furnish lodging to all travelers who are ready to pay the proper charges, provided accommodations are not exhausted. See *Jackson v. Virginia Hot Springs Co.* (D. C. 1913) 209 Fed. 979, 980. But he may enforce such reasonable rules as are designed to prevent immorality, drunkenness or any other misconduct that would be offensive to other guests or that would bring his inn into disrepute. See *DeWolf v. Ford* (1908) 193 N. Y. 397, 403, 86 N. E. 527. An innkeeper may thus reject persons with bad reputations, *Goodenow v. Travis* (N. Y. 1808) 3 Johns. 427, brawlers, drunkards, idlers, *Markham v. Brown* (1837) 8 N. H. 523, or guests of suspicious characters. See *State v. Steele* (1890) 106 N. C. 766, 771, 11 S. E. 478. Couples applying at hotels without baggage are so often bent upon an immoral purpose that they may well be classified as suspicious characters and excluded under the rule of *State v. Steele, supra*. The court wisely upheld a rule which seems well calculated to protect public morals, despite the hardships caused by it in some instances of which the instant case is an example.

LIBEL AND SLANDER—MENTAL SUFFERING—GENERAL AND SPECIAL DAMAGES.—The defendant published an article in which the plaintiff was accused of insanity. In an action for libel, the plaintiff, to show greater damages, introduced evidence